

REMARKS

Applicant hereby traverses the rejection of claims 8-14 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Nevertheless, Applicant has made minor grammatical changes to put the application in better form for appeal.

In rejecting claims 8-14 under 35 U.S.C. §112, second paragraph, the Examiner stated:

"With regard to claim 8, the term 'base' is indefinite, as its meaning is unclear. For purposes of examination, the phrase will be assumed to mean a casing."

It is respectfully submitted that the term "base" amended to "container base" has antecedent basis in the claim, is clearly defined in Applicant's specification, see pages 5 and 6, and is shown in the drawings Figure 2 as 7A. Further, as clearly stated in the Manual of Patent Examining Procedures, Section 2173.01:

"A fundamental principle contained in 35 U.S.C. 112, second paragraph is that applicants are their own lexicographers. They can define in the claims what they regard as their invention essentially in whatever terms they choose so long as the terms are not used in ways that are contrary to accepted meanings in the art."

Since applicant's language is not used in a way that is contrary to accepted meanings in the art, the rejection under 35 U.S.C. 112, second paragraph, should be withdrawn.

The Examiner also objected to the phrase "a first upper surface area" as indefinite. Accordingly, Applicant has deleted the word "upper". Further, in the specification on page 7, the covering 7B is defined as facing the inner space

7C, see Figure 2. Accordingly, it is Applicant's contention that this description is clear.

Further, the Examiner has objected to the term "including" as indefinite as its meaning is unclear. It is respectfully submitted that the term "including" is clear and that there is no need to amend the claim to "comprising". To be more specific, Section 2111.03 of the Manual of Patent Examining Procedure states:

"The transitional term 'comprising', which is synonymous with 'including', 'containing', or 'characterized by'. . ."

The Examiner further objected to the phrase "inner surface". The term "inner" has been deleted and the claim is now clear and definite.

It is also Applicant's contention that the phrase "mounted on the container base to form an inside space" is definite and is not unclear. Further, mounted on or fixed to does not in any way infer a method limitation. Accordingly, the Examiner's rejection under 35 U.S.C. 112, second paragraph, should be withdrawn.

With respect to claims 10-12, the Examiner rejected these claims because of the use of the term "include". As stated above, there is nothing improper or unclear about using the term "including". Accordingly, the rejection of claims 10-12 under 35 U.S.C. 112, second paragraph, should be withdrawn.

Claim 11 was amended to clarify that the base is said container base and that the container base and the covering each include a second surface and in which each of said second surfaces include a layer. Accordingly, it is respectfully submitted that claim 11 is now in proper form for allowance.

Claim 12 was also amended to change the word "layers" to "the layer formed on each of said container base and said covering". Once again, it is respectfully submitted that in view of this amendment, the rejection to claim 12 should be withdrawn.

With respect to the rejection under 35 U.S.C. 102, the Examiner alleges that claims 8-14 are anticipated by Yen, U.S. Patent No. 4,470,508. To be more specific, the Examiner states:

"With regard to claims 8 and 11-13, Yen discloses a container (package; column 2, lines 5-12) for a framed pellicle (pellicle having a support ring on the outside; column 4, lines 22-35) comprising a casing (lower member; column 3, lines 24-29), a covering for the casing which is mounted on the lower member (upper member; column 3, lines 24-29), and an inside space between the casing and covering in which the pellicle is housed (column 3, lines 30-41), at least part of the surface of the inside space comprising an inorganic material (spacer blocks comprising aluminum; column 5, lines 18-24)."

It is Applicant's contention that a spacer block 24 which is a ring-wise member inserted into the container box does not constitute a part of the inside surface of the container box. Instead, the whole inside surface of the container box in the cited reference is covered with a layer of adhesive which is an organic material. See column 3, lines 50 et seq. This disclosure clearly indicates that the container box of Yen has an inside surface formed from an organic material. Accordingly, it does not anticipate claims 8-14 which require that the surfaces are formed of an inorganic material selected from the group consisting of metals, alloys, glass and ceramics. (Emphasis added). The advantage obtained by the presently claimed invention is a

decreased emission of contaminant gases from the inside surface of the container walls by forming the inside surface from an inorganic material. The disclosure of Yen has not the least of such an inventive concept because an adhesive, on which the inside surface of the container of Yen is formed is an organic material liable to emit a large volume of contaminant gases.

With respect claim 10, the Examiner alleges that Yen teaches that aluminum and polyethylene are equivalent materials for making the container (column 5, lines 18-24). It is Applicant's contention that this allegation is based on a misinterpretation of the paragraph by the Examiner. Note, the subject matter of the paragraph is to discuss the material for making the spacer blocks. There can be no other interpretation of the subject matter of the paragraph according to which aluminum and polyethylene are taught as equivalent materials when the objective article is the spacer block, not the container box per se. Furthermore, the mentioned paragraph is absolutely silent on the material for making the container box or, much less, the inside surface of the container walls so that the Examiner's anticipation rejection of the claims is without merit. Accordingly, it is Applicant's contention that the rejection under 35 U.S.C. 102 should be withdrawn.

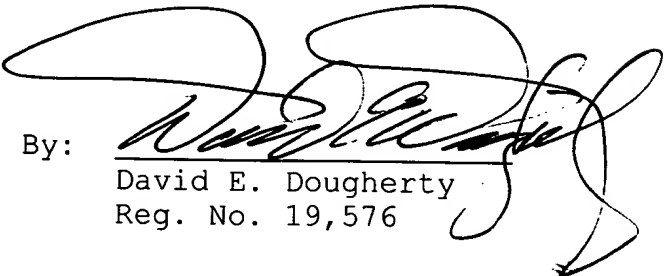
Since all of the claims are now in proper form and clearly and patentably distinguished over the cited art, prompt favorable action is requested.

Respectfully submitted,

September 22, 2003

Date

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